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NOMINATION OF WILLIAM P. CLARK TO BE SECRETARY OF THE INTERIOR

NOVEMBER 9 (legislative day, NOVEMBER 7), 1983.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany the nomination of William P. Clark]

The Committee on Energy and Natural Resources, to which was referred the nomination of William P. Clark to be Secretary of the Interior, having considered the same, reports favorably thereon and recommends that the nomination to be confirmed.

COMMITTEE ACTION

President Reagan submitted the nomination of William P. Clark to be the Secretary of the Interior on October 19, 1983.

The Committee held public hearings on the nomination on November 1 and 2, 1983. Testimony was heard by the nominee and numerous public witnesses. Mr. Clark has submitted all information acquired by the rules of the Committee.[1] On November 9, 1983 the Committee voted 16–4 to report the nomination to the Senate with a recommendation that Mr. Clark be confirmed.

Those voting to report the nomination favorably were Senators McClure, Hatfield,[2] Weicker, Domenici, Wallop, Warner, Murkowski,[2] Nickles, Hecht, Chafee, Heinz, Evans,[2] Johnston, Matsunaga,[2] Melcher,[2] and Bradley. Those voting against the nomination were Senators Bumpers, Ford, Metzenbaum,[2] and Tsongas.

[1] A copy of the nominee's information statement is available in the official Committee file as is a copy of the nominee's answers to written questions submitted by Members for the Record.

[2] Indicates voted by proxy.

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BIOGRAPHICAL SKETCH

William P. Clark of Paso Robles, California, became Assistant to the President for National Security Affairs, Washington, D.C., in January 1982, leaving his previous post as Deputy Secretary of State. Mr. Clark attended Stanford University. From 1954 to 1956 he served in the United States Army Counterintelligence Corps.

After attending Loyola Law School, Los Angeles, from 1956 to 1958, Mr. Clark was admitted to the California Bar and practiced law in Oxnard as senior partner in the firm of Clark, Cole & Fairchild.

Mr. Clark served as Cabinet Secretary to then Governor Reagan and a member of the Governor's Task Force on Government Reorganization from 1966–67, when he was appointed Executive Secretary. In 1969 he was appointed judge of the Superior Court in San Luis Obispo County. He was named to the Court of Appeals in 1971 and to the California Supreme Court in 1973, where he served until his appointment as Deputy Secretary of State on March 25, 1981.

His civic activities include Stanford Associates, California Cattleman's Association, Charros, and Rancheros Visitadores.

Mr. Clark is married to the former Joan M. Brauner and they have five children—Monica, Peter, Nina, Colin and Paul.

MR. CLARK'S STATEMENT

Mr. Clark first testified at the Committee hearing on November 1, 1983. His prepared statement follows:

> Mr. Chairman and Members of the Committee, I am pleased to appear before you today as the President's nominee as Secretary of the Department of the Interior. I am hopeful to be found qualified to serve in this position and if so, I will be eager to work with this and other committees of the Congress in an effort to resolve important issues confronting all of us.
>
> The heart of my statement today was written by your former distinguished member and Chairman. It is a message for all of us as we convene to consider the nomination of a Secretary of the Department of the Interior. Senator Henry M. Jackson wrote on January 7, 1981:
>
> "In the past two decades the role of the Secretary of the Interior has changed dramatically. The Secretary is no longer the guardian of narrow Western regional interests.
>
> "Now, under laws enacted by Congress, he is the steward, for all Americans, of much of our national land heritage, including our national parks, wildlife refuges, and public lands.
>
> "He is manager of nationwide programs for outdoor recreation, restoration of lands affected by coal mining, historic preservation, and mineral and water resources. His decisions on energy and enviornmental matters affect the interests of every American.
>
> "Today, with the growing need to develop the energy and mineral resources of the public lands and the Outer Conti-

nental Shelf, the Secretary of the Interior and the entire Department are challenged to provide for wise use without sacrificing vital environmental interests.

"This effort will require a high degree of competence, careful planning, constant effort to achieve a balance between development and preservation, and complete integrity in the decision-making process.

"Just as importantly, the Secretary and the entire Department must recognize the fact that the good old days of few users and little or no constraints are gone forever. This is particularly true with respect to use of the public lands.

"I am not saying that current programs should go on unchanged. Changes and innovations are certainly in order where there are weaknesses. I am saying that there are certain principles established by Congress which must be followed.

"One, decisions based on land use planning, with ample public participation.

"Two, maximum protection of the environment.

"Three, receipt of fair market value for private use of public resources.

"And, four, close cooperation with State and local governments, and local citizens.

"Much of the recent complaints from traditional users about public land management stem not so much from new rules of the management game, but from the fact that there are many new players. Increasing scarcity of basic commodities, a rapid shift of the urbanized population center of the Nation to the West and South, and a growing appreciation for environmental values have increased pressures for such competing purposes as energy production, urban growth, recreation, and wilderness preservation.

"As a result, there are new definitions of public interest, new constituencies to be served, and new claims on the resources of the public lands.

"In enacting the Federal Land Policy and Management Act of 1976, Congress recognized this evolution of demands, values, and attitudes. That act established the national policy that the public lands would be managed under the principles of multiple use and sustained yield.

"The act tells the Secretary to recognize the 'nation's need for domestic sources of minerals, food, timber, and fiber from the public lands * * *'. It also tells him to 'preserve and protect certain public lands in their natural condition * * *.'"

In my capacities as Deputy Secretary of State and as Assistant to the President for National Security Affairs, my communication with Senator Jackson was frequent, open and complete in areas of our defense budget, Central America and nuclear arms reductions. To me and to many others in this Administration, Senator Jackson epitomized the best in a bipartisan approach to national security. It is thus that I take

pride in my involvement in the President's naming of the U.S.S. *Henry M. Jackson*, and in the reading of my prepared statement at the launching of the newest ship of the line on September 15, 1983. That ship will soon be on sea patrol in our national defense. I also take pride in that I am today able to state Senator Jackson's bipartisan approach to issues confronting this distinguished committee and the Department of the Interior.

Those multiple mandates with which the Department has been charged, have been and will always be the source of debate and competition within the Department, within the government and within the private sector. The natural wonders of America often clothe—or coexist with—resources which must be tapped because they are essential to survival of government and of its people. In a world of increasing complexities, the mandates of survival and conservation become increasingly difficult to administer. The first mandate of any government is, of course, security and survival. But this does not necessarily mean that conservation must unduly suffer. A proper balance must be struck and the mandate to conserve our heritages for future generations must be weighed heavily in the balance. My private life has always brought me close to the land. No one knows as understands better than I the very special reverence one experiences in our wildernesses, our prairies, our forests, our mountains, our wild streams, and our lakes and oceans. All Americans, including future Americans, have a right to share these experiences, and I would indeed wish, in some small way, to assist in implementing that right.

I assure you that I do not see the stewardship of our resources as an opportunity for partisan politics. Certainly all responsible Americans, whatever the political persuasions, must seek a proper balance of competing interests in conserving our resources on the one hand and our needs for survival on the other. If the Department of the Interior is to better serve America and Americans, it and the Congress must join in a bipartisan effort. If confirmed, I will endeavor to effect such a joint effort.

Now, gentlemen, I will be happy to respond to your questions.

CONFLICT OF INTEREST

The Committee received the following official correspondence regarding Mr. Clark's compliance with applicable conflict of interest laws:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 20, 1983.

Mr. DAVID H. MARTIN,
Director, Office of Government Ethics, Office of Personnel Management, Washington, D.C.

DEAR MR. MARTIN: The financial statement filed by Mr. William P. Clark for the position of Secretary of the Interior has been reviewed in compliance with 5 CFR 734.604(a). Except for Mr. Clark's vested

interest in the State of California Judge's Retirement System, none of the reported interests raises any question as to the statutory or regulatory prohibitions applicable to the Secretary of the Interior.

In addition to the Governmentwide conflict of interest prohibitions, the most important of which, for this review, is 18 U.S.C. § 208, the Secretary of the Interior is also subject to several prohibitions unique to our Department. The unique prohibitions are 18 U.S.C. 437; 30 U.S.C. 6; 30 U.S.C. 1211(f); 43 U.S.C. 11 and 43 U.S.C. 31a. Except for 30 U.S.C. 1211(f) of each of these statutes, is extended to the Secretary of the Interior by Department regulations. I have compared each reported interest to the provisions cited and I have determined that none of Mr. Clark's interests results in violation of these unique provisions. And, I have determined that these unique prohibitions do not apply to the interests owned by Mr. Clark's son.

I base my determinations on the following analysis:

Mr. Clark has an undivided interest in two acres of an approximate 880-acre ranch in Shandon, California. Mr. Clark's personal residence, currently unoccupied, is situated on this two acres. Although information about a personal residence does not have to be reported, Mr. Clark volunteered this information to help explain the extent of his personal interest in ranch property. The remaining acreage is owned by Mr. Clark's three sons, one of whom is 20 years old and still a dependent under the definition of dependent child in the Ethics in Government Act. Refer to 5 U.S.C. App. § 209(7). Therefore, the interests of Mr. Clark's one dependent son are properly reported.

The interests owned by Mr. Clark's dependent son are not subject to unique prohibitions applicable to the Department of the Interior since the interests do not involve Federal lands or coal mining operations. Also, the son's interests are not subject to the provisions of 18 U.S.C. § 208 since 18 U.S.C. § 208 refers to "minor child." By the use of the word "minor" in reference to children in 18 U.S.C. § 208, Congress intended to refer to the legal concept of minority/majority and the question of dependency for tax purposes is not relevant. "Minor" was added to § 208 by the Senate Judiciary Committee, which stated:

"The bill, as it came before the Committee, makes no distinction between minor children and those who have attained a majority. The Committee believes that only the interest of a minor child should serve to disqualify the employee and has amended Section 208 accordingly." S. Report 2213, 87th Congress, 2d Session 14 (1962).

The California Civil Code § 25.1(b) defines the age of majority as eighteen (18). Consequently, the interests owned by Mr. Clark's son are not covered by 18 U.S.C. § 208.

Even though the provisions of 18 U.S.C. § 208 do not apply to the son's holdings, I included his interests in my research of our Department's records. Comparing the data available from our various bureaus and from Mr. Clark's financial disclosure form I have determined that:

1. The ranch property in Shandon, California, does not receive water from any Bureau of Reclamation Irrigation Project.

2. None of the ranch or other property interests are adjacent to or near any Federal lands administered by the Department of the Interior.

3. There are no Federal land permits or other rights issued by the Department of the Interior to Mr. Clark or any of his sons, Clark Land Company or Clark Brothers Cattle and Grain Company.

4. Clark Land Company has no business relationships with the Department of the Interior.

5. The rent received from Phillips Petroleum Company by Mr. Clark's son is generated from the lease of private lands and does not constitute an equity interest in the company or an interest in Federal lands. Further, Mr. Clark himself has no resultant financial interest in Phillips Petroleum Company. Although Phillips Petroleum Company leases 290,295 acres of Federal land from our Department for oil and gas operations and 1,280 acres for other mineral operations, there is no relationship between such leases on Federal land and the lease on the private land disclosed on Mr. Clark's disclosure form. Consequently, a recusal statement is not required.

6. Sears, Roebuck and Company has on continuing business operations with our Department.

I have determined that none of the ranch management and realty operations of the Clark Land Company are related to the Department of the Interior or to Federal lands administered by the Department of the Interior. I was informed by White House counselor Lawrence Garrett that the professional building owned by Mr. Clark houses the Clark Land Company's ranch management and realty operations and an attorney's office, and that Clark Brothers Cattle and Grain Company reports no business relationships with the Department of the Interior. I was also informed by Mr. Garrett that the $219.57 payment Mr. Clark received from the State of California Judge's Retirement System was a one-time payment received by all California Judges affected by a judgment concerning their compensation. This one-time payment arose out of Mr. Clark's status as a judge for the months of January and February 1981, in the State of California.

I conducted my analysis of Mr. Clark's vested pension interest by using Formal Advisory Opinion 83 OGE 1, dated January 7, 1983. Opinion 83 OGE 1 states:

"A government employee has a financial interest in a particular matter when there is a real possibility that he might gain or lose as a result of developments in or resolution of the matter.

"We are also of the view that where a pension fund is controlled by employees of the sponsoring organization, the Government employee ordinarily has a financial interest in matters affecting the organization."

In this instance the "organization" is the state of California. The manager of the Board of Administration Public Employee Retirement System for the state of California provided these facts:

1. Pension payments are made from a fund consisting of judges contributions, state matching funds, court fees, profits from fund investments and annually appropriated funds from the state treasury.

2. State law provides that sufficient funds must be appropriated to insure that state pension commitments are met. California Government Code § 75107.

3. The Board administering the pension fund consists of elected state officials and state employees.

4. The Board is part of the California State Government structure as a unit or division under the California Secretary of Consumer Affairs.

Based on the OGE opinion, Mr. Clark's vested pension interest might be construed as a financial interest under 18 U.S.C. § 208. As Secretary, it will be necessary for Mr. Clark to be involved in particular matters involving the state of California. However, I believe that since the legislature is required by state law to appropriate necessary funds to meet pension payments, clearly Mr. Clark cannot gain or lose as a result of developments in or resolution of any particular matter. Moreover, Mr. Clark's pension is not payable to him until he reaches age sixty-three. The pension interest is vested and cannot be used or directly affected in any way by Mr. Clark. Accordingly, it is my determination that his pension interest is too remote, too inconsequential and not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the Secretary of the Interior. I believe a waiver from the President is not necessary. However, if you disagree I feel a waiver would be entirely appropriate based on the facts as discussed above. Mr. Garrett is aware of this position.

My review of the other items reported by Mr. Clark reveals no other problems with any applicable conflict of interest statutes or regulations. Please call me at 343–4502 should you have any questions.

Sincerely,

RICHARD R. HITE,
Principal Deputy Assistant Secretary
and Designated Agency Ethics Official.

OFFICE OF PERSONNEL MANAGEMENT,
OFFICE OF GOVERNMENT ETHICS,
Washington, D.C., October 20, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by William P. Clark, who has been nominated by President Reagan for the position of Secretary of the Department of the Interior.

We have reviewed the report and have also obtained advice from the Department of the Interior concerning any possible conflict in light of the Department's functions and the nominee's proposed duties. A copy of a letter dated October 20, 1983 from Richard Hite, Principal Deputy Assistant Secretary and Designated Agency Ethics Official, Department of the Interior, is also enclosed.

This Office agrees with the Department of Interior's conclusion that a financial interest of the nominee's son, who has attained the age of majority under state law, is not attributable to the nominee for purposes of 18 U.S.C. § 208.

The nominee reports a vested interest in the State of California Judges' Retirement System. We have reviewed the pension plan, and have concluded that it covers a broad class of employees, antedates any anticipation of the nominee's entry into Federal Government Service, and complies with the necessary finding of bona fides for purposes of 18 U.S.C. § 209(b). Further, we do not view the pension plan as being a financial interest of the nominee within the meaning of 18 U.S.C.

§ 208(a) which will disqualify him from taking official actions on particular matters involving the State of California. While it is true that the pension fund is controlled by employees of the State, by law the legislature of the State of California is required to appropriate necessary funds to meet pension payments. No further contributions are being made on behalf of the nominee, and the possibility that the nominee may gain or lose as a result of Department of Interior decisions affecting the State of California is purely speculative. Accordingly, we view this interest as a vested pension not cognizable under the provisions of 18 U.S.C. § 208(a).

Based upon the foregoing, we believe that Mr. Clark is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID H. MARTIN,
Director.

CONCLUSION

A majority of the Committee believes and recommends that the nomination of William P. Clark to be Secretary of the Interior should be confirmed.

MINORITY VIEWS OF SENATOR TSONGAS

I voted against the confirmation of the nomination of William Clark as Secretary of the Interior, not because he lacks the background and qualifications to be a good Secretary (the real issue is not the past, but the future), not because he provided almost no information to the Committee in his answers to questions on which to base a vote (this is an all-tc-standard technique at confirmation hearings), but because he has not indicated any clear policy changes which he will make. A continuation of the policies of President Reagan as carried out by Secretary Watt at the Interior Department is unacceptable, in my view.

OCS POLICY AND GEORGES BANK

I remain deeply concerned over the policies of this Administration pertaining to the development of offshore oil and gas. The response to the questions which I raised in the Committee's hearing were not adequate.

The development of Georges Bank has been contested in the federal Court of Appeals five times and the Supreme Court twice in just three years. In the FY84 Appropriations bill for the Department of the Interior, specific language was included deleting certain sensitive tracks from the offshore lease sale offering Number 52. A policy of continued confrontation on this matter is foolhardy and potentially disastrous.

In light of this history, I am hopeful the Department will revise the five year lease plan established in 1982 under Section 208 of the OCS Lands Act to reflect the legitimate interests and concerns of the states, the environmental community, and the fishing and tourism industries. Specifically, Judge Clark should delay lease sale No. 82 scheduled for February 1984 of 25 million acres of Georges Bank to allow completion of studies that will provide more complete information on the impact of oil drilling on the world's most productive fishing grounds. Judge Clark should also perform complete environmental impact studies in the production phase of leasing on any tracks that are to be developed.

THE LAND AND WATER CONSERVATION FUND

Just after President Reagan took office, Interior Secretary James Watt announced an immediate moratorium on all federal acquisitions for the national park, wildlife refuge, national forest and BLM lands. He asked Congress to rescind the entire $250 million that had been appropriated for the Land and Water Conservation Fund but had not yet been spent. Fortunately, Congress did not agree to most of this rescission request.

In addition, the Reagan budget requests for LWCF have been a mere $39 million for FY82; and $69 million in FY83. Furthermore, the Reagan requests included zero funding for the state matching grant

portion of the Fund, which has helped to finance almost 30,000 park and recreation projects around the country. Fortunately, Congress has not agreed to the drastic reductions in the LWCF proposed by the Administration, and has restored significant funds to the program.

During his confirmation hearings, nominee Clark was questioned closely about his intentions regarding the Land and Water Fund. Judge Clark did not commit himself to increases in LWCF funding, but did say the President's budget for fiscal year 1985 "could very well be reviewed, leading to a determination based on the need of additional acquisitions." He also said, however, that a decision to budget more for parks and refuges was still "open to questions at this time."

Upon his confirmation, I would hope that the Secretary would undertake an immediate examination of needs for federal LWCF acquisition. The Department of the Interior's budget request for FY85 should include an increase for the Land and Water Fund over and above the amount appropriated in FY84. This budget request should include at least $100 million for the state share of the Fund. Furthermore, the new Secretary should immediately direct the National Park Service and the Fish and Wildlife Service to spend available funds expeditiously for priority park and refuge acquisitions already identified by Congress.

NATIONAL PARK RESOURCES

A 1980 State of the Parks report prepared for the Congress by the National Park Service documented more than 4000 specific threats to park resources, including major air and water pollution problems, adjacent land and energy development, and overcrowding. Not only did the report find these problems existed, it also indicated the Park Service did not have the baseline research and monitoring capability to determine how serious these threats actually are.

In both 1982 and in October of this year, the House passed and sent to the Senate legislation which gives the Park Service the authority and responsibility to prevent degradation of park resources. The bill, known as the National Park Protection Act, passed the House in 1982 and 1983 by more than a 3–1 margin. Secretary Watt testified against the bill.

During his confirmation hearings, Judge Clark was asked whether he would support this legislation; he was noncommittal.

If Judge Clark is confirmed, I would hope that he (1) actively supports passage of the National Park Protection Act as the most viable solution to the resource damage problems facing our national park system; and (2) prepares a budget for Fiscal Year 1985 which will reflect a commitment to adequate resource preservation and finance the more than 2,000 research, monitoring and management activities identified for funding by the Park Service's own resource management plans.

NATIONAL WILDLIFE REFUGES

Administration policy concerning national wildlife refuges has ignored traditional bi-partisan protection for wildlife and instead has emphasized accelerated economic development of wildlife refuge lands. In July 1982, Secretary Watt reversed a 25 year policy implemented

under the Eisenhower Administration, by opening 3½ million acres of "acquired" refuge lands to oil and gas development. Three months earlier, the Secretary issued a directive to immediately increase all other economic development of refuges including timber harvesting, grazing, haying, farming, trapping, etc. The amount of timber harvested on refuges under the new directive was expected to be tripled.

Secretary Watt's effort to massively expand economic development comes at a time when the refuge system is threatened, perhaps more than ever before in history. An August 1982 Fish and Wildlife Service report entitled "Field Station Threats and Conflicts" documented 7,717 specific threats to refuge system resources, many of which are causing irreparable damage. Tragically, many of the threats to refuge resources are the direct result of economic uses that are slated for expansion under the new Watt policy. The inevitable result is additional degradation of an already vulnerable system.

Judge Clark in his confirmation hearings made no commitment to restore protections that have existed under both Democratic and Republican Administrations.

Judge Clark's response to questions about oil and gas leasing on national wildlife refuges was subject to misunderstanding. He explained that about 50 refuges have had some type of production, but failed to mention that almost all of this production resulted from the exercise of privately-owned mineral rights. The federal government has not issued leases in refuges for 25 years except in a few cases when oil or gas beneath a refuge was being drained away by a well outside of the refuge. When Secretary Watt tried to reverse this policy by allowing leasing on acquired refuge lands, the Senate responded by placing a rider on the FY84 Supplemental Appropriation bill to stop the processing of these applications.

In order to restore the need protection for the national wildlife refuge system, I would hope that the current policy would be revised as follows:

Fish and Wildlife Service employees and other resource managers would be directed to place highest priority on eliminating the 7,717 threats identified in the 1982 survey of field stations.

The July 1982 instructions to increase commercial development on refuge lands would be withdrawn. The Interior Department would undertake a detailed study of the impact of existing commercial development—internal and external to the system—on wildlife habitat.

Refuge management would revert to the accepted policy of the last 25 years prohibiting oil and gas leasing on refuge lands in the lower 48 states, except where there are valid existing rights or where oil beneath a refuge is subject to drainage.

WILDERNESS PROTECTION

When Secretary Watt came into office he declared a wilderness policy that had two goals: (1) to open designated wilderness areas to mineral development and (2) to undermine wilderness study processes to assure that as little land as possible under study would be added to the wilderness system. The resulting recommendations to lease wilderness areas in Wyoming, California, and Arkansas, and

the actual issuance of leases in New Mexico created a public outcry. The 97th Congress overwhelmingly passed a wilderness protection amendment to the Interior Department Appropriations bill blocking Secretary Watt from issuing mineral leases in wilderness and wilderness study areas. The 98th Congress passed a similar amendment to the Appropriations bill adding for the first time BLM Wilderness Study Areas.

Secretary Watt's attack on the wilderness study process has focused on the 24 million acres of BLM WSA's. He asserted the authority to release areas not recommended to Congress for wilderness despite the provisions of the Federal Land Policy and Management Act (FLPMA) that WSA's be managed according to a non-impairment standard. Most recently he has eliminated over 1.5 million acres of WSA's altogether in apparent disregard of a Congressional resolution. That action has been challenged in court and a preliminary injunction has been issued.

Judge Clark was asked for his views on leasing in wilderness areas and the legality of eliminating 1.5 million acres of BLM WSA's. On both issues he declined to state his own views or policies. On wilderness leasing, Judge Clark said that he would obey the law and follow present policy not to issue leases in wilderness and wilderness study areas. On the study areas dropped by Secretary Watt, Judge Clark said this was a matter he would consider.

I would hope that mineral leases would not be issued in designated wilderness areas. (That question is resolved by the 1984 Interior Department Appropriations bill which bars leasing through the December 31, 1983 deadline in the Wilderness Act of 1964 for issuing new leases in wilderness areas.) The Secretary should take all steps within his discretion to protect the integrity of BLM WSA's and assure that their wilderness characteristics will not be degraded until Congress decides whether or not to add them to the wilderness system. The decision to eliminate 1.5 million acres of study areas should be reversed.

IMPLEMENTATION OF THE ALASKA LANDS ACT

Since January 1981, the Secretary of the Interior James Watt has pursued policies which alter the purpose of the Alaska National Interest Lands Conservation Act (ANILCA). This undermining of ANILCA has occurred on three fronts: through budgetary neglect, through non-enforcement and/or selective enforcement of the law and through questionable statutory interpretation.

When questioned about ANILCA during Committee hearings, Judge Clark's response was that he will look into it very carefully.

In order to provide management that will protect public lands in Alaska, the Secretary of the Interior must endorse the spirit and intent of the Alaska Lands Act by revising current policy. I would hope that the Administration would take the following actions:

Interior should refrain from further land exchanges involving wilderness, parks, or refuges without express Congressional approval.

Interior should provide budgetary increases for staffing, planning, studies, management and enforcement activities which begin to reflect the 700 percent increase in parkland acreage and the 350 percent in-

crease in refuge lands through passage of ANILCA. At a minimum, the budget for ANILCA must provide for field headquarters for each of the 16 National Wildlife Refuges and each of the 13 units of the National Park System.

Interior should provide funding to: (1) complete comprehensive plans for refuges before any consideration is given to oil and gas activities, (2) complete and use plans for the Steese National Conservation Area and the White Mountains National Recreation Area before mineral development is conducted in these areas, and (3) provide funds to finish studies and submit recommendations for Alaska's 12 wild and scenic study rivers and complete management plans for the 25 National Wild and Scenic Rivers designated by the Act.

Interior should ensure that the Arctic coastal plain environmental studies provide Congress with the information needed to make the best possible decisions on the future of the coastal plain.

Interior should return responsibility for wildlife management of national parks and National Wildlife Refuges to the National Park Service and the Fish and Wildlife Service, respectively.

In summary, let me say that the listing of issues I have raised above is by no means inclusive of all of the areas of disagreement which I have with the Reagan Administration's policies at Interior as reflected by Secretary Watt. I have neglected major areas such as surface mining, wild and scenic rivers, historic preservation, privatization and others. However, I have attempted to indicate a broad enough basis to indicate to my colleagues the foundation of what I believe is the strong case against confirmation of this nominee.

I voted to confirm James Watt as Secretary of the Interior. I have been forced to admit I was wrong. I have voted in Committee, and will vote on the floor, against confirmation of Judge Clark. I hope that he will follow many of the guidelines that I have mentioned here and that I will be forced again to the Senate floor to admit that I was wrong.

PAUL E. TSONGAS.

MINORITY VIEWS OF SENATOR FORD

I note with approval the remarks of Secretary-designate Clark embracing the following statements of the late Senator Henry M. Jackson regarding the role of the Secretary of the Interior:

> In the past two decades the role of the Secretary of the Interior has changed dramatically. The Secretary is no longer the guardian of narrow Western regional interests.
>
> Now under laws enacted by Congress, he is the steward, for all Americans, of much of our national land heritage, including our national parks, wildlife refuges, and public lands.
>
> He is manager of nationwide programs for outdoor recreation, restoration of lands affected by coal mining, historic preservation, and mineral and water resources. His decisions on energy and environmental matters affect the interests of every American.
>
> Today, with the growing need to develop the energy and mineral resources of the public lands and the Outer Continental Shelf, the Secretary of the Interior and the entire Department are challenged to provide for wise use without sacrificing vital environmental interests.
>
> This effort will require a high degree of competence, careful planning, constant effort to achieve a balance between development and preservation, and complete integrity in the decision-making process.

These principles have been established with broad bi-partisan support during past Congresses and past Administrations under both parties.

Many of the natural resource policies of the Reagan Administration as implemented by Secretary James Watt represent a radical departure from these principles, and if allowed to continue unchanged, I feel could have serious long-term adverse impacts on the well being of future generations.

I am not satisfied that Secretary-designate Clark, if confirmed, would bring the policies and procedures of the Department of the Interior into conformance with these principles. I could be reassured and might well support the nomination if he had so promised. But the nominee time and time again evaded the opportunity to make a commitment.

WENDELL H. FORD.

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